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# The Virginia Department of Social Services Reasonable Candidacy Manual



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## **1.0 GENERAL**

### **1.1 Statutory Background**

The Adoption Assistance and Child Welfare Act of 1980, P. L. 96-272, was enacted on June 17, 1980. Title IV of the Social Security Act (Act) was amended and a new Part E, federal payments for Foster Care and Adoption Assistance, was created.

Title IV-E provided for a phased repeal of Section 408 of the Act, which provided authority for federal matching in state foster care (FC) payments under the Title IV-A, Aid to Families with Dependent Children Foster Care program (AFDC-FC). States could continue to receive federal matching for AFDC-FC payments under Title IV-A of the Act until September 30, 1982, or the quarter in which the state implemented an approved State Plan under Title IV-E. The earliest implementation date for Title IV-E was October 1, 1980. Presently, in order to carry out the provisions of Title IV-E, appropriations made available for that program are to be used for making payments to those states which have approved state plans under Title IV-E (Section 471; 42 U.S.C. 671; 45 CFR 1356.20).

45 CFR 1356.60 (c) allows federal financial participation (FFP) for administrative costs to be claimed for reasonable candidates for foster care regardless of whether the children are actually placed in foster care and receive Title IV-E foster care maintenance payments.

### **1.2 Purpose**

As the designated Title IV-E agency, the Virginia Department of Social Services (VDSS) is responsible for supervising the Title IV-E Plan in Virginia and ensuring that costs claimed under Title IV-E are reasonable, necessary, and consistent with applicable Federal guidelines. Title IV-E reimbursement is allowed for administrative activities performed on behalf of children deemed to be a reasonable candidate for foster care regardless of whether these children are actually placed into foster care and become recipients of Title IV-E foster care maintenance payments. This manual outlines both federal and state regulations and policies which allow VDSS to claim Title IV-E administrative cost reimbursement on behalf of local departments of social services (LDSS) for reasonable candidates for foster care. For children who have been determined a reasonable candidate for foster care, VDSS, after applying the Title IV-E penetration rate, can claim 50 percent FFP for allowable administrative costs on behalf of the LDSS.

## **2.0 REASONABLE CANDIDACY MANUAL**

### **2.1 Authority to Make Reasonable Candidacy Determinations**

- 2.1.1 Only LDSS employees are authorized to make the determination of reasonable candidacy for foster care.
- 2.1.2 Contracted persons are not considered employees of the LDSS and may not make determinations with respect to reasonable candidacy. Activities performed by contracted personnel to assist local agency workers to document reasonable candidates are permissible.

### **2.2 Types of Reasonable Candidates**

- 2.2.1 Pre-Placement – The LDSS is seeking to remove the child from the home and place the child in foster care; or the LDSS is making reasonable efforts to prevent the removal from the home and placement of the child in foster care.
- 2.2.2 Post-Placement – The LDSS is making reasonable efforts towards preventing the child's re-entry into foster care by providing aftercare services to the reunited or adoptive family.
  - After the child leaves foster care, whether by reunification, or finalized adoption, and the reunified or adoptive home is in jeopardy, the LDSS may claim allowable Title IV-E administrative costs under the foster care program for activities performed on behalf of the child as a reasonable candidate.

### **2.3 Reasonable Candidacy Requirements**

- 2.3.1 No exception to or deviation from any applicable services' policy (Foster Care Prevention/Stabilization, and/or Child Protective Services) shall occur in the effort to determine a child as a reasonable candidate.
- 2.3.2 A child is a reasonable candidate when it is documented that he/she is at serious risk of removal from the home and placement into foster care as evidenced by the LDSS service worker either pursuing his/her removal from the home, or making reasonable efforts to prevent such removal.
  - A home is the family setting maintained or in process of being established by the parent/relative with whom the child is living.
  - The parent/relative with whom the child is living must have legal responsibility for day to day care of the child.
  - A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the parent/relative may be temporarily absent from the customary family setting. (See sec. 2.4)

- 2.3.3 The planned placement of the child, subsequent to removal from the home, must be in a foster care setting. A child is not a candidate for foster care when the planned out of home placement is an arrangement outside of foster care, such as a detention facility.
- 2.3.4 There is no specified time limit for how long a child may be considered a reasonable candidate for foster care. The LDSS must document its justification for maintaining a child as a reasonable candidate for foster care whenever the child's circumstances change, but no later than at least once every six months. (See sections 3.2 – 3.4)

## **2.4 Allowance of a Temporary Absence**

- 2.4.1 Children who are temporarily away from their home may still be considered reasonable candidates if all other criteria are met.
- 2.4.2 Although there is no timeframe to define the duration of a temporary absence, the time away from the home must be with the expectation of returning home and the home must continue to exist in accordance with section 2.3.2.
- 2.4.3 Examples of temporary absences from the home include, but are not limited to:
- Vacation,
  - Respite (preventive service to provide temporary relief for parent(s) and/or child),
  - Hospital stay,
  - Overnight visit with friends or family.

## **2.5 Exclusionary Conditions of Reasonable Candidacy**

- 2.5.1 Federal law and policy clearly outline the following exclusionary conditions for reasonable candidacy:
- Children over the age of 18;
  - Children that are no longer at risk of removal from home;
  - Children that are currently placed in a foster care setting or a facility outside the scope of foster care such as detention, forestry camps and psychiatric hospitals;
  - Children who do not reside in the home with the parent(s) or legal custodian(s);
  - An unborn, prenatal case;
  - Children with which the LDSS does not have a case plan, or the case plan does not meet the requirements indicated in section 3.3.1;
  - The LDSS service worker did not re-determine, at least every six months, that the child remains at serious risk of removal from the home;
  - Children who are on a trial home visit (THV).

- 2.5.2 A child may not be considered a candidate for foster care solely because the LDSS is involved with the child and his/her family. The LDSS' involvement with the child and family must be for the specific purpose of either removing the child from the home and placement into foster care or making reasonable efforts to prevent the child's removal from the home and placement into foster care.
- 2.5.3 The child cannot simultaneously be considered in foster care and a reasonable candidate for foster care.

### **3.0 ESTABLISHING AND MAINTAINING REASONABLE CANDIDACY**

#### **3.1 Establishing Initial Reasonable Candidacy**

- 3.1.1 The LDSS service worker is to evaluate reasonable candidacy on a case-by-case basis. In situations which include several children within a sibling group, evaluation and documentation in the services case record must support a determination of reasonable candidacy for each child individually.
- 3.1.2 All necessary and appropriate documentation used in conjunction with the Documentation Form to establish reasonable candidacy must be maintained in the services case record. The use of electronic case records that are able to be produced in hardcopy is permissible. Due to the required signatures, the Documentation Form must be maintained as a hardcopy only.
- 3.1.3 Initial reasonable candidacy determination may not be made retroactively. (See section 3.4.2)

#### **3.2 Maintaining On-going Reasonable Candidacy**

- 3.2.1 The LDSS service worker must re-determine the continued reasonable candidacy status whenever there is a change in the child's circumstances. If no changes occur, a re-determination must take place no later than six months from the initial determination and re-determinations must continue no less frequently than once every six months thereafter. This is done by updating the child's case plan or through updated court proceedings that demonstrate that the child remains a reasonable candidate for foster care, as well as completing the required Documentation Form.
- 3.2.2 Once the child is no longer at risk of foster care placement, the service worker must cease classifying the child as a reasonable candidate for foster care (See section 2.5). Although there are no formal case plan documentation methods, case plans shall be updated to reflect that the child is no longer a reasonable candidate. Additionally, there is a mandatory field on the Documentation Form that shall be used to indicate the end date of reasonable candidacy.

- 3.2.3 All necessary and appropriate documentation used to sustain reasonable candidacy status must be maintained in the services case record. The use of electronic case records that are able to be produced in hardcopy is permissible. Due to the required signatures, the Documentation Form must be maintained as a hardcopy only.
- 3.2.4 Reasonable candidacy re-determinations may not be made retroactively. (See section 3.4.2)

### **3.3 Reasonable Candidacy Documentation Methods**

The acceptable methods of documentation indicating that a child is a reasonable candidate for foster care are:

- 3.3.1 Defined Case Plan - A defined case plan (i.e. service plan) which clearly indicates that absent effective preventive services, foster care is the planned arrangement for the child.
- The decision to remove a child from his/her home is significant and should not be entered into lightly. A case plan must indicate that foster care is the planned placement for the child absent effective preventive services. The case plan shall be indicative of the seriousness of the child's situation due to risk of removal from his/her home.
  - Case plans must be individualized for a specific child, developed jointly with the child (when appropriate), the parents or guardians, and include a description of the services to be offered and/or provided to prevent removal of the child from the home and placement in foster care. The case plan and documentation must clearly demonstrate that the case is actively being managed by the local department of social services to maintain the child in the home and to prevent placement of the child into foster care.

Acceptable types of case plans include, but are not limited to:

- ✓ Child Protective Services – Ongoing Services Plan
- ✓ Individual Family Services Plan (IFSP)
- Neither Federal nor State regulation or policy prescribes or prohibits the use of one particular case plan. Any format where the worker can adequately document that the child meets the reasonable candidacy criteria may be used.
- When the child exits foster care and is receiving aftercare services or post-adoption services and meets the reasonable candidacy requirements, a case plan must be developed that would indicate that foster care is the planned placement for the child absent effective aftercare services. For example, the service worker may develop a case plan that demonstrates the intent to remove the child from the home and place him/her in foster care if the aftercare services or post-adoption services prove unsuccessful.

3.3.2 Court Proceedings - Evidence of court proceedings in relation to the removal of child from the home.

- If the LDSS has initiated court proceedings to remove the child from his/her home and place the child into foster care, copies of such court proceedings are sufficient to deem this child to be at serious risk of removal.
- If the LDSS has initiated and/or received court proceedings that indicate that if the terms of specified preventive services are not met, the child will be placed in the custody of the LDSS.

Acceptable types of court proceedings include but are not limited to:

- ✓ (Preliminary) Child Protective Order
- ✓ Petition
- ✓ Transcripts
- ✓ Bench Notes

3.3.3 Although the case plan developed by the LDSS service worker will be used to support the reasonable candidacy status, if court proceedings are available, they must be maintained in the services case record.

### **3.4 The Reasonable Candidacy Documentation Form**

3.4.1 Purpose and Use – The Reasonable Candidacy Documentation Form (See Appendix A) must be used to document the initial reasonable candidacy determination and every re-determination thereafter.

- The worker identification number must be included on the Documentation Form as it is the number that can be most effectively used to map back to the worker for quality assurance and/or auditing purposes.

3.4.2 Effective Date – The child is considered to be a documented reasonable candidate when all requirements are met and the documentation form is complete with signatures. The initial reasonable candidacy begin date is the day the service worker completes and signs the form and obtains the supervisor's signature.

3.4.3 Initial and Re-determination Dates – The initial reasonable candidacy determination date begins the six month "clock" for when the first re-determination is due. Every re-determination thereafter is due within six months of the recent effective date



### **3.5 Records Retention and Destruction**

3.5.1 Reasonable candidacy documentation is to be retained in accordance with The Library of Virginia's Records Retention and Disposition Schedule – General Schedule No. 15 for service case records.

- “Retain 3 years after last action.”

3.5.2 Destruction of reasonable candidacy documentation should be conducted in accordance with The Library of Virginia's Records Retention and Disposition Schedule – General Schedule No. 15

- “Custodian of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping.”

3.5.3 The LDSS has the responsibility to develop internal procedures for the administrative task of retaining and disposing of information in accordance with The Library of Virginia's Records Retention and Disposition Schedule – General Schedule No. 15.

## **4.0 CLAIMING ADMINISTRATIVE COSTS FOR REASONABLE CANDIDATES**

### **4.1 Random Moment Sampling**

4.1.1 The administrative costs for children determined to be reasonable candidates are claimed through the Random Moment Sampling (RMS) observation process. RMS observations are used to document the specific program activity the worker is engaged in at a randomly selected moment in time.

4.1.2 Administrative costs for activities performed by a service worker in association with reasonable candidates may be indicated during the RMS observation only when the LDSS has documented that the child is a reasonable candidate for foster care.

- Examples of such activities are case management and supervision, referral to services, preparation for and participation in judicial determinations, placement of the child, development of the case plan, and case reviews.
- Any LDSS worker performing activities in association with a documented reasonable candidate may indicate such during the RMS observation.

## 4.2 Completing the RMS Observation

- 4.2.1 RMS Observation Form – When the service worker is performing administrative activities related to a reasonable candidate and is selected to complete the RMS Observation Form; the service worker will indicate the corresponding program and activity codes on the Certification Page. Only one program code can be selected and subsequently only one accompanying activity code can be selected from the activities listed for the selected program code.
- 4.2.2 Program Code – Other Child Welfare Services, (Child Not Currently in Foster Care) program code 360, is indicated on the RMS Observation Form by circling the program code on the selection list and recording the program code in Step 3 on the Certification Page.
- 4.2.3 Activity Code – Activities for Children at Risk of Foster Care, activity code 420, is indicated on the on the RMS Observation Form by circling this activity code on the selection list and recording the activity code in Step 3 on the Certification Page.
- The activity code 420 – Activities for Children at Risk of Foster Care can only be used in conjunction with program code 360 – Other Child Welfare Services (Child Not Currently in Foster Care).

## 4.3 Local Reimbursement of RMS Results

- 4.3.1 LASER Reimbursement - Locality Automated System Expenditure Reimbursement (LASER) takes the statewide RMS results and spreads local costs claimed to all benefiting programs. Federal Financial Participation (FFP) received for the Reasonable Candidacy program is reported as Services Staff and Operations (Budget Line 854) and Services Staff and Operations Pass-Thru (Budget Line 857) within the following cost codes:

<u>Cost Code Number</u>	<u>Cost Code Description</u>
85407	Allocated Serv S & O Pre Placement
85707	Allocated Serv S & O PT Pre Placement

See the [LASER Expenditure Guidelines Manual](#) on the Division of Finance (DOF) website for more information on budget lines, cost codes and allowable costs.

## Reasonable Candidacy Documentation Form

### INSTRUCTIONS & GUIDELINES

- ❖ Only LDSS employees are authorized to make the determination of reasonable candidacy for foster care.
- ❖ A copy of this form is to be maintained in the child's service record.
- ❖ The LDSS service workers must comply with all applicable Foster Care Prevention/Stabilization and Child Protective Services.
- ❖ A child is a reasonable candidate when he/she is documented as a serious risk of removal from the home as evidenced by the local agency service worker either pursuing his/her removal from the home, or making reasonable efforts to prevent such removal.

### PART A – CLIENT INFORMATION

LDSS:

SERVICE WORKER'S NAME:

WORKER IDENTIFICATION #:

CHILD'S NAME:

CASE #:

DATE OF BIRTH: \_\_\_\_\_ – (Check one of the following)

- ☐ Under the age of 18
- ☐ Age 18 or older – **Not a Reasonable Candidate**

WHERE IS THE CHILD LIVING? – (Check one of the following)

- ☐ In his/her home
- ☐ Outside of the home: foster care setting/detention/forestry camp/psychiatric hospital – **Not a Reasonable Candidate**

### PART B – REASONABLE CANDIDACY DOCUMENTATION METHOD

CIRCLE ONE: Initial Determination or Re-determination

Check one of the appropriate methods to document a child's reasonable candidacy status:

- ☐ A case plan which clearly indicates:  
(all of the requirements below must be verified and all boxes must be checked to properly document a child as a reasonable candidate)
- ☐ that absent effective preventive services, foster care placement is the planned arrangement of the child; and
- ☐ that the plan was developed jointly with the child, and the parents or guardians when appropriate; and
- ☐ a description of the services offered and/or provided to prevent the removal of the child from the home; and
- ☐ the case is actively being managed to maintain the child in the home and/or prevent placement into foster care

Or,

- ☐ Evidence of court proceedings in relation to the removal of the child from his/her home, in the form of a petition, a court order, or transcript of the court proceedings and a copy is maintained in the child's service record.

SERVICE WORKER'S SIGNATURE:

DATE:

SUPERVISOR'S SIGNATURE:

DATE:

A re-determination is due within six months of this date.

Date the child is no longer considered a reasonable candidate.

DATE:

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Case Name

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Case #

## "DILIGENT EFFORTS TO LOCATE"

### A Checklist for CPS Assessments and CPS In-Home Services

Departments of Social Services are expected to make diligent efforts to locate children reported to be abused, neglected, or dependent in order to assess the risk to the alleged victim and to provide treatment to them and to their families. Diligent efforts are defined as persistent, relevant attempts to locate the child and his/her family. Departments of Social Services are expected to be creative and flexible in determining the whereabouts of families who are not located by routine means. This checklist includes several of the sources which may assist the social worker in locating or relocating missing families.

- \_\_\_\_ 1. Family home visited on \_\_\_\_\_ & \_\_\_\_\_ between 8:00 am and 5:00 pm
- \_\_\_\_ 2. Family home visited on \_\_\_\_\_ & \_\_\_\_\_ between 5:00 pm and 12:00 mid.
- \_\_\_\_ 3. Current telephone book, directory assistance, post office, and city directory checked for alternate addresses or telephone number changes on \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_ 4. Checked with reporter on \_\_\_\_\_ to get more information on possible whereabouts of family.
- \_\_\_\_ 5. Checked with family members (names) \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_ about information on whereabouts of family. Results:  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_ 6. Contacted landlord for forwarding address (name, when contacted, results)  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_ 7. Contacted the Water\_\_\_\_, Electric\_\_\_\_, Gas/Oil\_\_\_\_ companies on this date \_\_\_\_\_ to determine account status or change in service with following results  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_ 8. Contacted schools and day care attended by any of children. (List those contacted, dates, results: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Case Name

\_\_\_\_\_  
Case #

\_\_\_\_ 9. Reviewed other DSS files, e.g. Income Maintenance, Day Care on this date \_\_\_\_\_  
\_\_\_\_\_ to determine other ways of locating family (e.g. employers,  
collaterals) with following results: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ 10. Other (specify by action, date) \_\_\_\_\_  
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Submitted by:  
CPS Investigator

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Date

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Acknowledged by:  
CPS Supervisor

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Date